

Exhibit 1

AN INTERNATIONAL ORGANIZATION DEDICATED TO PROTECTING THE RIGHTS OF ALL ANIMALS



PEOPLE FOR
THE ETHICAL
TREATMENT
OF ANIMALS
FOUNDATION

Washington
1536 16th St. N.W.
Washington, DC 20036
202-483-PETA

Los Angeles
2154 W. Sunset Blvd.
Los Angeles, CA 90026
323-644-PETA

Norfolk
501 Front St.
Norfolk, VA 23510
757-622-PETA

Jeffrey S. Kerr
Chief Legal Officer
JeffK@PETAF.org

August 5, 2024

VIA E-MAIL: sa208i@nih.gov; monica.bertagnolli@nih.gov
AND FIRST CLASS MAIL

Shelli Avenevoli, Ph.D., Acting Director
National Institute of Mental Health
6001 Executive Boulevard
Rockville, MD 20852

Monica M. Bertagnolli, Director
National Institutes of Health
9000 Rockville Pike,
Bethesda, MD 20892

Re: Communications from Rhesus Macaques

Dear Directors Avenevoli and Bertagnolli,

On behalf of People for the Ethical Treatment of Animals, Inc. ("PETA"), I write to respectfully request prompt access to real-time audiovisual communications from the rhesus macaques, including Sam Smith, Guinness, Nick Nack, and Beamish, who are confined in Elisabeth Murray Ph.D.'s laboratory at the National Institute of Mental Health ("NIMH") in Bethesda, Maryland. The macaques engage in extensive communications about their confinement and the impact of the experiments inflicted on them, according to animal behavior experts. PETA has a constitutional right to receive those communications, without censorship or interference, to report to the American taxpayers who fund Murray's experiments.

An integral part of PETA's charitable animal protection work is extensive newsgathering and reporting on the plight of animals subjected to experiments in laboratories, including at the National Institutes of Health ("NIH") generally and Murray's laboratory specifically. It is PETA's right under the First Amendment to the U.S. Constitution to receive communications from the macaques as willing speakers about their situation. *See, e.g., Virginia State Bd. of*

PETA FOUNDATION IS AN OPERATING
NAME OF THE FOUNDATION TO
SUPPORT ANIMAL PROTECTION.

ENTITIES:

- PETA U.S.
- PETA Asia
- PETA India
- PETA France
- PETA Australia
- PETA Germany
- PETA Switzerland
- PETA Netherlands
- PETA Foundation (U.K.)

Shelli Avenevoli, Ph.D., Acting Director
Monica M. Bertagnolli, Director
August 5, 2024
Page 2

Pharmacy v. Virginia Citizens Consumer Council, Inc., 425 U.S. 748, 756–57 (1976) (collecting numerous cases).

Audiovisual technology is regularly used in NIH and NIMH laboratories, including Murray's, so this request should not impose an undue burden on NIMH. Because NIH and NIMH severely restrict the audiovisual material created or made available to the public in responding to Freedom of Information Act ("FOIA") requests, FOIA is not a viable alternative to satisfy PETA's constitutional right to receive the macaques' communications.

The requested live feed must contain audio to hear the macaques' vocalizations and clear video sufficient to see the macaques' body postures, gestures, facial expressions, and other observable communications while in their cages, in the presence of laboratory staff, when being collected and prepared for experimentation, and while being experimented on.

There is nothing confidential or trade secret in the macaque communications or in the procedures to which they are subjected that may be captured on the audiovisual feed. PETA has no interest in the identities of NIMH staff members and believes their privacy will be adequately protected by the masks and personal protective equipment they wear while interacting with the macaques.

Finally, PETA is willing to consider your alternative solutions to timely, uncensored access to the macaques' communications. Given the importance of this matter, we ask for your substantive response accepting, rejecting, or suggesting an alternative within thirty (30) days. Your non-response will be considered a rejection of PETA's request.

Please direct all correspondence in this matter to me and thank you for your consideration.

Very truly yours,

A handwritten signature in black ink, appearing to read 'Jeffrey S. Kerr', with a stylized, cursive script.

Jeffrey S. Kerr